

SEVENTEENTH DAY

MORNING SESSION

Senate Chamber, Olympia, Wednesday, January 29, 2014

The Senate was called to order at 10:00 a.m. by President Pro Tempore, Senator Sheldon presiding. The Secretary called the roll and announced to the President Pro Tempore that all Senators were present.

The Sergeant at Arms Color Guard consisting of Pages Sheyanne Lewis and Curtis Lillie, presented the Colors. Pastor Crystal Krachunis of Faith and Victory Church of Auburn offered the prayer.

MOTION

On motion of Senator Fain, the reading of the Journal of the previous day was dispensed with and it was approved.

MOTION

There being no objection, the Senate advanced to the first order of business.

REPORTS OF STANDING COMMITTEES

January 28, 2014

SB 5965 Prime Sponsor, Senator Padden: Concerning sexually violent predators. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 5965 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6026 Prime Sponsor, Senator Roach: Concerning county financial actions for a concluded fiscal year. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Dansel; Hasegawa, Ranking Member; McCoy and Rivers.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6042 Prime Sponsor, Senator Baumgartner: Establishing an incentive-based methodology of distributing state appropriations to public four-year institutions of higher education. Reported by Committee on Higher Education

MAJORITY recommendation: Do pass. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner and Tom.

Passed to Committee on Ways & Means.

January 28, 2014

SB 6045 Prime Sponsor, Senator Brown: Promoting economic development through enhancing transparency and

predictability of state agency permitting and review processes. Reported by Committee on Trade & Economic Development

MAJORITY recommendation: Do pass. Signed by Senators Braun, Chair; Angel, Vice Chair; Chase, Ranking Member; Holmquist Newbry; Lias and Pedersen.

Passed to Committee on Rules for second reading.

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SB 6069 Prime Sponsor, Senator Rivers: Modifying community custody conditions for sex offenders. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6069 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6095 Prime Sponsor, Senator Hargrove: Concerning background checks for persons with whom dependent children are placed. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6095 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member; Hargrove and Padden.

Passed to Committee on Rules for second reading.

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SB 6101 Prime Sponsor, Senator Fain: Concerning extended foster care services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6101 be substituted therefor, and the substitute bill do pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Padden.

Passed to Committee on Ways & Means.

January 28, 2014

SB 6114 Prime Sponsor, Senator Benton: Revising local government treasury practices and procedures. Reported by Committee on Governmental Operations

MAJORITY recommendation: Do pass. Signed by Senators Roach, Chair; Conway; Dansel and McCoy.

Passed to Committee on Rules for second reading.

January 28, 2014

SB 6181 Prime Sponsor, Senator Braun: Concerning child care subsidies and child support enforcement services. Reported by Committee on Human Services & Corrections

MAJORITY recommendation: That Substitute Senate Bill No. 6181 be substituted therefor, and the substitute bill do

pass. Signed by Senators O'Ban, Chair; Pearson, Vice Chair; Darneille, Ranking Member and Hargrove.

MINORITY recommendation: Do not pass. Signed by Senator Padden.

Passed to Committee on Rules for second reading.

REPORTS OF STANDING COMMITTEES GUBERNATORIAL APPOINTMENTS

January 28, 2014

SGA 9206 STEVEN R HILL, appointed on January 16, 2013, for the term ending September 30, 2017, as Member of the Board of Trustees, Community College District No. 6 (Seattle, So. Seattle, and No. Seattle Community Colleges). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9214 DONALD "BUD" HOVER, appointed on April 1, 2013, for the term ending at the governors pleasure, as Director of the Department of Agriculture. Reported by Committee on Agriculture, Water & Rural Economic Development

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Hatfield, Chair; Brown; Eide and Hobbs.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9257 CATHERINE P D'AMBROSIO, appointed on November 4, 2013, for the term ending September 30, 2016, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9259 MAUD DAUDON, appointed on May 7, 2013, for the term ending June 30, 2015, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9276 LILLIAN HUNTER, appointed on October 28, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Technical College District #28, (Bates). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9278 JOHN JESSOP, appointed on July 1, 2013, for the term ending June 30, 2014, as Member of the Board of Trustees, Community College District No. 23 (Edmonds Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

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SGA 9288 THOMAS W LUX, appointed on November 4, 2013, for the term ending September 30, 2018, as Member of the Board of Trustees, Community College District No. 7 (Shoreline Community College). Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

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SGA 9295 AMY L MCCOY, appointed on July 29, 2013, for the term ending June 30, 2014, as Member of the Board of Trustees, Central Washington University. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

January 28, 2014

SGA 9300 RAI NAUMAN MUMTAZ, appointed on July 11, 2013, for the term ending June 30, 2014, as Member of the Washington State Student Achievement Council. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Baumgartner; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

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SGA 9309 JAY A REICH, appointed on June 21, 2013, for the term ending April 3, 2016, as Member of the State Board for Community and Technical Colleges. Reported by Committee on Higher Education

MAJORITY recommendation: That said appointment be confirmed. Signed by Senators Bailey, Chair; Becker, Vice Chair; Frockt; Kohl-Welles, Ranking Member and Tom.

Passed to Committee on Rules for second reading.

MOTION

On motion of Senator Fain, all measures listed on the Standing Committee report were referred to the committees as designated.

MOTION

On motion of Senator Fain, the Senate advanced to the fifth order of business.

INTRODUCTION AND FIRST READING

SB 6480 by Senators McCoy, Kline, Kohl-Welles and Chase

AN ACT Relating to the exemption of information concerning archaeological resources and traditional cultural places from public disclosure; and amending RCW 42.56.300.

Referred to Committee on Governmental Operations.

SB 6481 by Senators O'Ban, Kohl-Welles and Benton

AN ACT Relating to investing in programs proven to promote recovery for persons with mental illness and chemical dependency disorders; amending RCW 70.47.030; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6482 by Senators Kohl-Welles, Bailey, Frockt and Tom

AN ACT Relating to the dashboard for four-year institutions of higher education; amending RCW 28B.77.090; and creating a new section.

Referred to Committee on Higher Education.

SB 6483 by Senators Keiser, Honeyford, Frockt, Dammeier, Billig, Hargrove, Kohl-Welles, Kline and McAuliffe

AN ACT Relating to creating a competitive grant program to provide additional classroom space to support all-day kindergarten; and amending RCW 28A.150.315.

Referred to Committee on Ways & Means.

SB 6484 by Senators Hill, Angel, Bailey, Becker, Litzow, Tom, Braun, Honeyford and Parlette

AN ACT Relating to creating a state agency innovation and efficiency grant program; adding new sections to chapter 43.41 RCW; and creating a new section.

Referred to Committee on Governmental Operations.

SB 6485 by Senators Darneille, Pedersen, Kohl-Welles and Kline

AN ACT Relating to implementing federal child support program license withholding, restriction, and suspension requirements; amending RCW 74.20A.320; and creating a new section.

Referred to Committee on Human Services & Corrections.

SB 6486 by Senators Bailey, Baumgartner, Angel, Kohl-Welles, Chase and Benton

AN ACT Relating to creating a sales tax holiday for school instructional material for higher education students; adding new sections to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; and providing an expiration date.

Referred to Committee on Ways & Means.

SB 6487 by Senator Hill

AN ACT Relating to the local sales and use tax that is credited against the state sales and use tax for cities to offset municipal service costs to newly annexed areas; and amending RCW 82.14.415.

Referred to Committee on Ways & Means.

SB 6488 by Senator Hasegawa

AN ACT Relating to the time limitation for vacating a judgment; and adding a new section to chapter 4.72 RCW.

Referred to Committee on Law & Justice.

SB 6489 by Senators Hasegawa and King

AN ACT Relating to parking impact mitigation from regional transit authority facility construction; and adding a new section to chapter 81.112 RCW.

Referred to Committee on Transportation.

SB 6490 by Senators Rivers, Parlette, Benton and Roach

AN ACT Relating to competitive salaries and benefits for Washington state patrol officers; and amending RCW 43.43.380.

Referred to Committee on Transportation.

SB 6491 by Senators Tom, Sheldon, Bailey, Braun, Eriksen, Honeyford, Parlette, Benton and Roach

AN ACT Relating to photo identification on electronic benefit cards issued to recipients of public assistance; and amending RCW 74.08.580.

Referred to Committee on Human Services & Corrections.

SB 6492 by Senator Chase

AN ACT Relating to statements made by juveniles during assessments or screenings for mental health or chemical dependency treatment; and amending RCW 13.40.020 and 13.40.140.

Referred to Committee on Human Services & Corrections.

SB 6493 by Senator Chase

AN ACT Relating to access to juvenile records; amending RCW 13.50.050 and 10.97.050; creating new sections; and providing an effective date.

Referred to Committee on Human Services & Corrections.

SB 6494 by Senator Chase

AN ACT Relating to local transit revenue; amending RCW 82.45.090, 82.45.150, 82.80.---, and 82.14.0455; adding new sections to chapter 82.80 RCW; adding new chapters to Title 82 RCW; creating a new section; prescribing penalties; providing effective dates; and providing an expiration date.

Referred to Committee on Transportation.

SB 6495 by Senators Holmquist Newbry, Baumgartner, Angel, Parlette and Braun

AN ACT Relating to establishing a temporary teen training wage; and adding new sections to chapter 49.46 RCW.

Referred to Committee on Commerce & Labor.

SB 6496 by Senator Holmquist Newbry

AN ACT Relating to clarifying the application of tax exemptions for vehicles powered by clean alternative fuels; amending RCW 82.08.809 and 82.12.809; and declaring an emergency.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6497 by Senators McCoy, Chase, Hasegawa, Conway, Fain, Kohl-Welles and McAuliffe

AN ACT Relating to the minority and women's business enterprises account; and amending RCW 39.19.200.

Referred to Committee on Ways & Means.

SB 6498 by Senators Chase, Kline, McAuliffe and Benton

AN ACT Relating to providing incentives for recycling beverage containers; adding a new chapter to Title 70 RCW; and providing an effective date.

Referred to Committee on Energy, Environment & Telecommunications.

SB 6499 by Senators Dammeier, McAuliffe, Litzow, Ranker, Billig, Frockt, Tom, Hargrove, Fain and Rivers

AN ACT Relating to creating the joint task force on local education financing reform; creating new sections; and providing an expiration date.

Referred to Committee on Early Learning & K-12 Education.

MOTION

On motion of Senator Fain, all measures listed on the Introduction and First Reading report were referred to the committees as designated with the exception of Senate Bill No. 6483 which was referred to the Committee on Ways & Means.

MOTION

On motion of Senator Fain, Senate Rule 20 was suspended for the remainder of the day to allow consideration of additional floor resolutions.

EDITOR'S NOTE: Senate Rule 20 limits consideration of floor resolutions not essential to the operation of the Senate to one per day during regular daily sessions.

MOTION

On motion of Senator Fain, the Senate advanced to the eighth order of business.

MOTION

Senator Becker moved adoption of the following resolution:

SENATE RESOLUTION
8674

By Senators Becker, Fain, Schoesler, Dammeier, Bailey, Pearson, and King

WHEREAS, Families across Washington depend on the safe and nutritious dairy products provided by the dairy farmers of Washington state; and

WHEREAS, Dairy is an essential part of a healthy diet, is one of the major food groups represented on the USDA's "MyPlate" dietary guidelines, and three cups of dairy products are recommended daily for people nine years and older; and

WHEREAS, The Dairy Farmers of Washington are cotitle sponsors of the Washington Interscholastic Activities Association Championship Tournaments, a program that cultivates and recognizes dedicated and talented young scholars, athletes, musicians, thespians, dancers, and their coaches; and

WHEREAS, There are approximately 480 family dairy farms in Washington state with approximately 262,000 dairy cows; and

WHEREAS, Washington state ranks tenth in total milk production in the United States, with 723 million gallons annually; and

WHEREAS, Washington ranks fourth in milk production per cow, with 2,760 gallons of milk per year; and

WHEREAS, Dairy foods constitute the second highest dollar-valued agricultural commodity produced in Washington, with a direct economic impact valued at 2.3 billion dollars and a total value to Washington's economy of more than 5.2 billion dollars; and

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WHEREAS, Every one million dollars in dairy products produced supports 20 local jobs in farming, processing, distributing, and marketing; and

WHEREAS, Dairy Day at the legislature is January 29, 2014, when legislators will visit with Washington dairy producers and enjoy ice cream produced in Washington provided by the Dairy Farmers of Washington, Washington State Dairy Women, and the state and county Dairy Ambassadors;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate acknowledge and honor the women and men whose work on dairy farms throughout Washington has contributed much to the strength and vitality of our economy, the character of our communities, and the general well-being of our citizens; and

BE IT FURTHER RESOLVED, That copies of this resolution be immediately transmitted by the Secretary of the Senate to Washington State Dairy Ambassador Erin Peek, alternate Ambassadors Annie Birkliid and Olivia Zurcher, and the Washington State Dairy Federation.

Senators Becker, Honeyford and Baumgartner spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8674.

The motion by Senator Becker carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced Erin Peek Washington State Dairy Ambassador from Arlington; Annie Birkliid, Washington State Alternate Dairy Ambassador from Enumclaw and Olivia Zurcher, Washington State Alternate Dairy Ambassador from Mesa, who were seated at the rostrum.

With permission of the Senate, business was suspended to allow Miss Erin Peek to address the Senate:

MISS ERIN PEEK

Miss Erin Peek: "Good morning everyone. My name is Erin Peek, I'm eighteen years old and I grew up on a small family hobby farm in Arlington, Washington. It wasn't until I was thirteen years old when my older sister started milking cows at one of the local dairies that I became involved with the dairy industry. I started showing Holstein heifers through the FFA and became a junior Holstein member. As the Dairy Farmers of Washington have welcomed me with open arms into their way of life, my knowledge and passion for this industry have only grown helping me become the proud Dairy Ambassador that I am today. Of the four hundred eight dairy farms in Washington State only two are not owned by the family that live and work on them. Meaning that over 99.9 percent of all dairy farms in Washington State are family owned, passed down from generation to generation. However, it isn't just the family business that is being passed down but progressive ideas and new innovations which have helped shape our farms into the 5.2 billion dollar industry that they are today. Examples of these innovations can be seen in every aspect of today's industry. Cows are no longer milked by hand but by machines and most recently robotic milking systems which have helped increased milk production and contributed to Washington ranked fourth in the US for total milk production per cow. Advances in manure management have led to animal waste being recycled for compost, animal bedding, high quality fertilizer for crops and even energy. In 2011, six anaerobic digesters processed manure for more than eleven thousand cows creating enough energy to power two thousand seven hundred

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homes. These innovations aren't just benefiting the dairy industry but the entire community as well. Community involvement is something that is cherished by the dairy farmers of Washington. In recent years dairy farmers have donated thousands of gallons of dairy products and milk, participated in food and cash drives and programs to help food banks get refrigeration equipment. They helped sponsor programs such as 'Fuel Up to Play 60' and WIAA events to encourage young people to be active and eat a healthy diet with at least three servings of dairy every single day. For these dairy families helping the community is the right thing to do and virtue is its own reward. We invite you to come and visit our family farms. You'll be welcomed with open arms the same way I was and you'll see how dairy is so much more than just an industry but a way of life for so many families. Thank you for allowing me the opportunity to speak with you this morning. I hope our paths cross again at a future dairy or agricultural event and I invite you to come and enjoy some delicious ice cream in the rotunda at noon. Thank you."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Thank you Erin and I might add, she did that without one note. Very good, thank you."

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the County Dairy Ambassador and Alternates: Samantha Schmidt, Clark County Dairy Ambassador; Colby Trusty, Grays Harbor Dairy Ambassadors; Anna DeGroot, King-Pierce Counties Dairy Ambassador; Marissa Apperson, Lewis County Dairy Ambassador; Chelsea Hansen, Skagit County Dairy Ambassador; Marcy Bartelheimer, Snohomish County Dairy Ambassador; Mikel Levi, Snohomish County Alternate Dairy Ambassador; Janis DeJager, Whatcom County Dairy Ambassador; Samantha Douge, Whatcom County Alternate Dairy Ambassador; Alexandra Bergsman, Whatcom County Alternate Dairy Ambassador and Katie Hutchins, Yakima Valley Dairy Ambassador who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington State Dairy Women Officers: Lynnae Rodeffer, President, Snohomish; Helen Kemp, Vice President, Amboy; Darlene De Groot, Treasurer, Enumclaw; Carrie Neff, Ambassador Committee Chair, Marysville; Nora Doelman, Ambassador Committee, Elma; Tammi Schoenbachler, Dairy Ambassador Advisor, Stanwood and Gloria Edwards, Dairy Ambassador Financial Coordinator, Oakville who were seated in the gallery.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington Dairy Product Commissioners: Liz Anderson, Chair; Dan DeGroot; Genny DeRuyter; Kirk Robinson; Michelle Schilter; Kim Simonson; Cathy Thomasson; Jeremy Visser; Mike Ragsdale; Janet Leister, General Manager; Lynn Schmoe, Director of Industry Communications; Blair Thompson, Director of Consumer Communications; and Debra French, Washington State Dairy Council Executive Director who were seated in the gallery.

MOTION

Senator Roach moved adoption of the following resolution:

SENATE RESOLUTION
8673

By Senators Roach, McCoy, Rolfes, McAuliffe, Billig, and Kohl-Welles

WHEREAS, Autism is a developmental disability that typically appears during the first two years of life and continues through an individual's lifespan; and

WHEREAS, Autism is the fastest growing developmental disability in the United States, affecting over 2 million Americans, 1 in 88 babies born; and

WHEREAS, 1 in 54 boys are affected, as opposed to 1 in 252 girls; and

WHEREAS, Many children are not diagnosed until after 4 years of age, often because of lack of recognition of autism characteristics by general practitioners; and

WHEREAS, There are many different characteristics in individuals with autism, including delayed or deficient communication, decreased or unresponsive social interaction, unusual reaction to normal stimuli, a lack of spontaneous or imaginative play, and behavioral challenges; and

WHEREAS, There is no known cause and no known cure for autism, however with aggressive and continuous therapy, some individuals can learn to acclimate to their environment and mask symptoms of their disability; and

WHEREAS, Applied Behavior Analysis has become widely accepted among health care professionals and used in many schools and treatment clinics. Applied Behavior Analysis encourages positive behaviors and discourages negative behaviors in order to improve a variety of skills and tracks and measures a child's progress; and

WHEREAS, Autism can create significant stress on the families of those affected by autism; and

WHEREAS, All individuals with autism should be included and regarded as valuable members of our community; and

WHEREAS, Families, caregivers, advocates, and organizations, such as the Autism Society of Washington, Northwest Autism Center, Families for Effective Autism Treatment, and The Arc of Washington State, are striving to bring about positive changes for children and adults with autism; and

WHEREAS, Through research, training, public services, support groups, advocacy, and increased awareness, we will be more understanding, inclusive, and better equipped to support the growing number of individuals with autism and their families;

NOW, THEREFORE, BE IT RESOLVED, That the Washington State Senate honor and support individuals with autism and acknowledge the tremendous courage that they and their families put forth every day; and

BE IT FURTHER RESOLVED, That a copy of this resolution be immediately transmitted by the Secretary of the Senate to the Honorable Jay Inslee.

Senators Roach, Keiser, Hill and Darneille spoke in favor of adoption of the resolution.

The President Pro Tempore declared the question before the Senate to be the adoption of Senate Resolution No. 8673.

The motion by Senator Roach carried and the resolution was adopted by voice vote.

INTRODUCTION OF SPECIAL GUESTS

The President Pro Tempore welcomed and introduced members of the Washington Autism Alliance and Advocacy, Arzu Forough and her son Shayan; Diana Stadden, The ARC of Washington; Darla Helt, Southwestern Washington Parent Coalition and representatives from the Washington Toxics Coalition who were seated in the gallery.

MOTION

At 10:37 a.m., on motion of Senator Fain, the Senate was declared to be at ease subject to the call of the President.

The Senate was called to order at 11:21 a.m. by the President Pro Tempore, Senator Sheldon presiding.

MOTION

On motion of Senator Fain, the Senate reverted to the seventh order of business.

THIRD READING

SECOND SUBSTITUTE SENATE BILL NO. 5199, by Senate Committee on Ways & Means (originally sponsored by Senators Ericksen and Holmquist Newbry).

Concerning de facto changes in water rights for irrigation purposes that involved conversion to more efficient irrigation technologies.

The bill was read on Third Reading.

MOTION

On motion of Senator Hatfield, the rules were suspended and Second Substitute Senate Bill No. 5199 was returned to second reading for the purpose of amendment.

MOTION

On motion of Senator Billig, Senator McAuliffe was excused.

MOTION

On motion of Senator Fain, further consideration of Second Substitute Senate Bill No. 5199 was deferred and the bill held its place on the second reading calendar.

THIRD READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt).

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. Revised for 1st Substitute: Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. (REVISED FOR ENGROSSED: Amending provisions governing structured settlements by lowering age barriers and clarifying legislative intent.)

The bill was read on Third Reading.

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MOTION

On motion of Senator Holmquist Newbry, the rules were suspended and Engrossed Substitute Senate Bill No. 5127 was returned to second reading for the purpose of amendment.

SECOND READING

ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, by Senate Committee on Commerce & Labor (originally sponsored by Senators Holmquist Newbry, Tom, King, Sheldon, Baumgartner, Ericksen, Rivers, Litzow, Benton, Dammeier, Carrell, Braun, Bailey, Honeyford, Becker, Hill, Roach, Schoesler, Parlette, Padden and Hewitt)

Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. Revised for 1st Substitute: Amending provisions governing structured settlements by removing age barriers and clarifying legislative intent. (REVISED FOR ENGROSSED: Amending provisions governing structured settlements by lowering age barriers and clarifying legislative intent.)

The measure was read the second time.

MOTION

Senator Holmquist Newbry moved that the following amendment by Senators Holmquist Newbry and Braun be adopted:

Beginning on page 1, line 5, strike all of section 1 and insert the following:

"Sec. 1. RCW 51.04.063 and 2013 c 23 s 104 are each amended to read as follows:

(1) Notwithstanding RCW 51.04.060 or any other provision of this title, ~~((beginning on January 1, 2012,))~~ an injured worker ~~((who is at least fifty five years of age on or after January 1, 2012, fifty three years of age on or after January 1, 2015, or fifty years of age on or after January 1, 2016,))~~ may choose from the following: (a) To continue to receive all benefits for which they are eligible under this title, (b) to participate in vocational training if eligible, or (c) to initiate and agree to a resolution of their claim with a structured settlement.

(2)(a) As provided in this section, the parties to an allowed claim may initiate and agree to resolve a claim with a structured settlement for all benefits other than medical. Parties as defined in (b) of this subsection may only initiate claim resolution structured settlements if at least one hundred eighty days have passed since the claim was received by the department or self-insurer and the order allowing the claim is final and binding. All requirements of this title regarding entitlement to and payment of benefits will apply during this period. All claim resolution structured settlement agreements must be approved by the board of industrial insurance appeals.

(b) For purposes of this section, "parties" means:

(i) For a state fund claim, the worker, the employer, and the department. The employer will not be a party if the costs of the claim or claims are no longer included in the calculation of the employer's experience factor used to determine premiums, if they cannot be located, are no longer in business, or they fail to respond or decline to participate after timely notice of the claim resolution settlement process provided by the board and the department.

(ii) For a self-insured claim, the worker and the employer.

(c) The claim resolution structured settlement agreements shall:

(i) Bind the parties with regard to all aspects of a claim except medical benefits unless revoked by one of the parties as provided in subsection (6) of this section;

(ii) Provide a periodic payment schedule to the worker equal to at least twenty-five percent but not more than one hundred fifty percent of the average monthly wage in the state pursuant to RCW 51.08.018, except for the initial payment which may be up to six times the average monthly wage in the state pursuant to RCW 51.08.018;

(iii) Not set aside or reverse an allowance order;

(iv) Not subject any employer who is not a signatory to the agreement to any responsibility or burden under any claim; and

(v) Not subject any funds covered under this title to any responsibility or burden without prior approval from the director or designee.

(d) For state fund claims, the department shall negotiate the claim resolution structured settlement agreement with the worker or their representative and with the employer or employers and their representative or representatives.

(e) For self-insured claims, the self-insured employer shall negotiate the agreement with the worker or his or her representative. Workers of self-insured employers who are unrepresented may request that the office of the ombuds for self-insured injured workers provide assistance or be present during negotiations.

(f) Terms of the agreement may include the parties' agreement that the claim shall remain open for future necessary medical or surgical treatment related to the injury where there is a reasonable expectation such treatment is necessary. The parties may also agree that specific future treatment shall be provided without the application required in RCW 51.32.160.

(g) Any claim resolution structured settlement agreement entered into under this section must be in writing and signed by the parties or their representatives and must clearly state that the parties understand and agree to the terms of the agreement.

(h) If a worker is not represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties must forward a copy of the signed agreement to the board with a request for a conference with an industrial appeals judge. The industrial appeals judge must schedule a conference with all parties within fourteen days for the purpose of (i) reviewing the terms of the proposed settlement agreement by the parties; and (ii) ensuring the worker has an understanding of the benefits generally available under this title and that a claim resolution structured settlement agreement may alter the benefits payable on the claim or claims. The judge may schedule the initial conference for a later date with the consent of the parties.

(i) Before approving the agreement, the industrial appeals judge shall ensure the worker has an adequate understanding of the agreement and its consequences to the worker.

(j) The industrial appeals judge may approve a claim resolution structured settlement agreement only if the judge finds that the agreement is in the best interest of the worker. When determining whether the agreement is in the best interest of the worker, the industrial appeals judge shall consider the following factors, taken as a whole, with no individual factor being determinative:

(i) The nature and extent of the injuries and disabilities of the worker;

(ii) The age and life expectancy of the injured worker;

(iii) Other benefits the injured worker is receiving or is entitled to receive and the effect a claim resolution structured settlement agreement might have on those benefits; and

(iv) The marital or domestic partnership status of the injured worker.

(k) Within seven days after the conference, the industrial appeals judge shall issue an order allowing or rejecting the claim

resolution structured settlement agreement. There is no appeal from the industrial appeals judge's decision.

(1) If the industrial appeals judge issues an order allowing the claim resolution structured settlement agreement, the order must be submitted to the board.

(3) Upon receiving the agreement, the board shall approve it within thirty working days of receipt unless it finds that:

(a) The parties have not entered into the agreement knowingly and willingly;

(b) The agreement does not meet the requirements of a claim resolution structured settlement agreement;

(c) The agreement is the result of a material misrepresentation of law or fact;

(d) The agreement is the result of harassment or coercion; or

(e) The agreement is unreasonable as a matter of law.

(4) If a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement, the parties shall submit the agreement directly to the board without the conference described in this section. The requirements of a claim resolution structured settlement agreement for the purposes of subsection (3) of this section do not include the determination under subsection (2)(j) of this section if a worker is represented by an attorney at the time of signing a claim resolution structured settlement agreement.

(5) If the board approves the agreement, it shall provide notice to all parties. The department shall place the agreement in the applicable claim file or files.

(6) A party may revoke consent to the claim resolution structured settlement agreement by providing written notice to the other parties and the board within thirty days after the date the agreement is approved by the board.

(7) To the extent the worker is entitled to any benefits while a claim resolution structured settlement agreement is being negotiated or during the revocation period of an agreement, the benefits must be paid pursuant to the requirements of this title until the agreement becomes final.

(8) A claim resolution structured settlement agreement that meets the conditions in this section and that has become final and binding as provided in this section is binding on all parties to the agreement as to its terms and the injuries and occupational diseases to which the agreement applies. A claim resolution structured settlement agreement that has become final and binding is not subject to appeal.

(9) All payments made to a worker pursuant to a final claim resolution structured settlement agreement must be reported to the department as claims costs pursuant to this title. If a self-insured employer contracts with a third-party administrator for claim services and the payment of benefits under this title, the third-party administrator shall also disburse the structured settlement payments pursuant to the agreement.

(10) Claims closed pursuant to a claim resolution structured settlement agreement can be reopened pursuant to RCW 51.32.160 for medical treatment only. Further temporary total, temporary partial, permanent partial, or permanent total benefits are not payable under the same claim or claims for which a claim resolution structured settlement agreement has been approved by the board and has become final.

(11) Parties aggrieved by the failure of any other party to comply with the terms of a claim resolution structured settlement agreement have one year from the date of failure to petition to the board. If the board determines that a party has failed to comply with an agreement, it will order compliance and will impose a penalty payable to the aggrieved party of up to twenty-five percent of the monetary amount unpaid at the time the petition for noncompliance was filed. The board will also decide on any

disputes as to attorneys' fees for services related to claim resolution structured settlement agreements.

(12) Parties and their representatives may not use settlement offers or the claim resolution structured settlement agreement process to harass or coerce any party. If the department determines that an employer has engaged in a pattern of harassment or coercion, the employer may be subject to penalty or corrective action, and may be removed from the retrospective rating program or be decertified from self-insurance under RCW 51.14.030.

NEW SECTION. Sec. 2. This act may be known and cited as the workers' recovery act."

Renumber the remaining section consecutively and correct any internal references accordingly.

Senator Holmquist Newbry spoke in favor of adoption of the amendment.

POINT OF INQUIRY

Senator Conway: "Would the good lady from the thirteenth district yield to a question? I just had a, you know we have dropped a, Chair Holmquist Newbry, we have dropped a striking amendment on a bill that has changed substantively the fiscal implications of the bill that has been here, that was here on the floor last year now this one is dropped. This substitute of course was dropped at 10:20 and we're here now considering a completely different bill than the bill we considered last year. I think this bill was considered in committee two years ago and my concern here is that we're moving a bill forward with no understanding of its fiscal implications of its impact on the Board of Industrials Appeals..."

REMARKS BY THE PRESIDENT PRO TEMPORE

President Pro Tempore: "Senator Conway, Senator Conway, can I interrupt. I think you need to form this in a form of question."

Senator Conway: "The question is, do we have a fiscal note on this bill?"

Senator Holmquist Newbry: "Thank you Senator Conway. This bill in its current form, this isn't a striking amendment by the way, this doesn't, the changes this does and let me be clear on this is that it does change because of our good Senator from the thirty sixth district had a gender neutrality bill that was passed into law and signed by the Governor and so this amendment before us changes the word ombudsman to ombuds. It does a title change and then it goes back to our original bill which was no age limitations. So this was the bill that we had a hearing on last year so within this biennium and if I recall, I'd have to double check there was a fiscal note on the original bill as well as the bill that moved off the senate floor with the amendment limiting it to age of forty so, I think we have a fiscal from last year which is in the current biennium to look at. This was the original bill."

Senator Conway spoke on adoption of the amendment.

Senator Holmquist Newbry spoke in favor of adoption of the amendment.

POINT OF ORDER

Senator Fain: "Just ask that the members not be speaking to one another. Was a question whether or not if that was parliamentary acceptable?"

REPLY BY THE PRESIDENT PRO TEMPORE

SEVENTEENTH DAY, JANUARY 29, 2014

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President Pro Tempore: "That is not acceptable. You can go through the President."

Senator Kohl-Welles spoke against adoption of the amendment.

Senator Baumgartner spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Holmquist Newbry and Braun on page 1, line 5 to Engrossed Substitute Senate Bill No. 5127.

The motion by Senator Holmquist Newbry carried and the amendment was adopted by a rising vote.

MOTION

There being no objection, the following title amendment was adopted:

On page 1, line 1 of the title, after "to" insert "creating the workers' recovery act by"

On page 1, line 3 of the title, after "creating" strike "a new section" and insert "new sections"

MOTION

Senator Hasegawa moved that the following amendment by Senator Hasegawa be adopted:

On page 4, beginning on line 25, after "section." strike all material through "agreement." on line 29

Senators Hasegawa and Conway spoke in favor of adoption of the amendment.

Senators Brown and Holmquist Newbry spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Hasegawa on page 4, line 25 to Engrossed Substitute Senate Bill No. 5127.

The motion by Senator Hasegawa failed and the amendment was not adopted by voice vote.

MOTION

Senator Conway moved that the following amendment by Senator Conway be adopted:

On page 6, after line 10, insert the following:

"NEW SECTION. Sec. 3. A new section is added to chapter 51.04 RCW to read as follows:

The department shall conduct a study to determine the frequency and extent to which injured workers who have entered into a settlement agreement pursuant to RCW 51.04.063 receive any state provided public assistance subsequent to settlement of their industrial insurance claim. State provided public assistance programs are any programs funded by the federal, state, or local unit of government that offer cash, food, medical, or housing assistance to qualified individuals. The department must report back to the legislature by the end of 2017."

On page 1, line 3 of the title, strike "section" and insert "sections"

Senator Conway spoke in favor of adoption of the amendment.

MOTION TO LIMIT DEBATE

Senator Fain: "Mr. President, I move that the members of the Senate be allowed to speak but once on each question before the Senate, that such speech be limited to three minutes and that members be prohibited from yielding their time, however, the maker of a motion shall be allowed to open and close debate. This motion shall be in effect through January 29, 2014."

The President Pro Tempore declared the question before the Senate to be the motion by Senator Fain to limit debate.

The motion by Senator Fain carried and debate was limited through January 29, 2014 by voice vote.

Senator Bailey spoke against adoption of the amendment.

Senator Frockt spoke in favor of adoption of the amendment.

PERSONAL PRIVILEGE

Senator Hasegawa: "I'd just like to bring to your attention that during the debate over the last motion on the floor I was attempting to be recognized by the President and the vote proceeded without that recognition. I subsequently had been standing trying to get the President's recognition on this particular debate and have been unable to get it. So, I just wanted to make sure that when we stand to be recognized to speak on the floor that we are recognized before urgent action is taken."

REPLY BY THE PRESIDENT

President Pro Tempore: "I appreciate that comment Senator Hasegawa. If you would, if I do not see you if would say 'Mr. President,' I believe that will help me to recognize all the forty-eight members in front of me."

Senator Holmquist Newbry spoke against adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senator Conway on page 6, after line 10 to Engrossed Substitute Senate Bill No. 5127.

The motion by Senator Conway failed and the amendment was not adopted by voice vote.

MOTION

On motion of Senator Holmquist Newbry, the rules were suspended, Second Engrossed Substitute Senate Bill No. 5127 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Parlette, Angel, Padden and Braun spoke in favor of passage of the bill.

Senators Keiser, Nelson, Hasegawa, Mullet and Conway spoke against passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Second Engrossed Substitute Senate Bill No. 5127.

ROLL CALL

The Secretary called the roll on the final passage of Second Engrossed Substitute Senate Bill No. 5127 and the bill passed the Senate by the following vote: Yeas, 27; Nays, 22; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Braun, Brown, Dammeier, Dansel, Ericksen, Fain, Hargrove, Hewitt, Hill, Holmquist Newbry, Honeyford, King,

Litzow, O'Ban, Padden, Parlette, Pearson, Rivers, Roach, Schoesler, Sheldon and Tom

Voting nay: Senators Billig, Chase, Cleveland, Conway, Darneille, Eide, Fraser, Frockt, Hasegawa, Hatfield, Hobbs, Keiser, Kline, Kohl-Welles, Lias, McAuliffe, McCoy, Mullet, Nelson, Pedersen, Ranker and Rolfes

SECOND ENGROSSED SUBSTITUTE SENATE BILL NO. 5127, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

THIRD READING

SUBSTITUTE SENATE BILL NO. 5697, by Senators Braun, Carrell, Dammeier, Rivers and Sheldon.

Reducing the frequency of local sales and use tax changes.

The bill was read on Third Reading.

MOTION

On motion of Senator Braun, the rules were suspended and Substitute Senate Bill No. 5697 was returned to second reading for the purpose of amendment.

SECOND READING

SUBSTITUTE SENATE BILL NO. 5697, by Senate Committee on Trade & Economic Development (originally sponsored by Senators Braun, Carrell, Dammeier, Rivers and Sheldon)

Reducing the frequency of local sales and use tax changes.

The measure was read the second time.

MOTION

Senator Braun moved that the following amendment by Senators Braun and Mullet be adopted:

On page 1, beginning on line 9, after "day of" strike "~~(January,)~~ April (~~(July,)~~ or October" and insert "January, April, or July(~~or October~~)"

Senator Braun spoke in favor of adoption of the amendment.

The President Pro Tempore declared the question before the Senate to be the adoption of the amendment by Senators Braun and Mullet on page 1, line 9 to Substitute Senate Bill No. 5697.

The motion by Senator Braun carried and the amendment was adopted by voice vote.

MOTION

On motion of Senator Braun, the rules were suspended, Engrossed Substitute Senate Bill No. 5697 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators Braun and Mullet spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Engrossed Substitute Senate Bill No. 5697.

ROLL CALL

The Secretary called the roll on the final passage of Engrossed Substitute Senate Bill No. 5697 and the bill passed the Senate by the following vote: Yeas, 39; Nays, 10; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Ericksen, Fain, Fraser, Hargrove, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, King, Lias, Litzow, McCoy, Mullet, O'Ban, Padden, Parlette, Pearson, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

Voting nay: Senators Darneille, Eide, Frockt, Hasegawa, Keiser, Kline, Kohl-Welles, McAuliffe, Nelson and Pedersen

ENGROSSED SUBSTITUTE SENATE BILL NO. 5697, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

SECOND READING

SENATE BILL NO. 5970, by Senators O'Ban, McCoy, Schoesler, Hobbs, Hatfield, Conway, Rolfes, Holmquist Newbry and Braun

Evaluating military training and experience toward meeting licensing requirements.

The measure was read the second time.

MOTION

On motion of Senator O'Ban, the rules were suspended, Senate Bill No. 5970 was advanced to third reading, the second reading considered the third and the bill was placed on final passage.

Senators O'Ban and McCoy spoke in favor of passage of the bill.

The President Pro Tempore declared the question before the Senate to be the final passage of Senate Bill No. 5970.

ROLL CALL

The Secretary called the roll on the final passage of Senate Bill No. 5970 and the bill passed the Senate by the following vote: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.

Voting yea: Senators Angel, Bailey, Baumgartner, Becker, Benton, Billig, Braun, Brown, Chase, Cleveland, Conway, Dammeier, Dandel, Darneille, Eide, Ericksen, Fain, Fraser, Frockt, Hargrove, Hasegawa, Hatfield, Hewitt, Hill, Hobbs, Holmquist Newbry, Honeyford, Keiser, King, Kline, Kohl-Welles, Lias, Litzow, McAuliffe, McCoy, Mullet, Nelson, O'Ban, Padden, Parlette, Pearson, Pedersen, Ranker, Rivers, Roach, Rolfes, Schoesler, Sheldon and Tom

SENATE BILL NO. 5970, having received the constitutional majority, was declared passed. There being no objection, the title of the bill was ordered to stand as the title of the act.

MOTION

At 12:50 p.m., on motion of Senator Fain, the Senate adjourned until 12:00 noon, Thursday, January 30, 2014.

BRAD OWEN, President of the Senate

HUNTER G. GOODMAN, Secretary of the Senate

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